

ESTTA Tracking number: **ESTTA454193**

Filing date: **02/01/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	University of Connecticut		
Entity	State University	Citizenship	Connecticut
Address	352 Mansfield Road Unit 2122 Storrs, CT 06269-2122 UNITED STATES		

Correspondence information	Denielle Burl, Esq. University of Connecticut Department of Student Affairs 233 Glenbrook Road Unit 4121 Storrs, CT 06269-4121 UNITED STATES denielle.burl@uconn.edu
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Registration Subject to Cancellation

Registration No	3404739	Registration date	04/01/2008
Registrant	UCTV, LLC 1419 Q Street NW Washington, DC 20005 UNITED STATES		

Goods/Services Subject to Cancellation


Class 041. First Use: 2007/05/01 First Use In Commerce: 2007/05/01 All goods and services in the class are cancelled, namely: Education services, namely, providing television programs over the internet in which universities market themselves for the recruitment of students
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Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85358141	Application Date	06/28/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	UCTV		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1991/09/01 First Use In Commerce: 1991/09/01 Entertainment services, namely, the provision of continuing programs and segments featuring news, comedy, commentary, talent search, and variety shows, and reality based shows delivered by television and the internet; Production of television programs

Attachments	85358141#TMSN.jpeg (1 page)(bytes) 20120201113347729.pdf (4 pages)(144921 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/denielle burl/
Name	Denielle Burl, Esq.
Date	02/01/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

UNIVERSITY OF CONNECTICUT)	
)	CANCELLATION NO.: _____
Petitioner,)	
)	REGISTRATION NO.: 3,404,739
v.)	
)	DATE OF ISSUE: April 1, 2008
UCTV, LLC)	
)	January 18, 2012
Registrant.)	

PETITION TO CANCEL

Petitioner University of Connecticut ("Petitioner"), a state university organized under the laws of Connecticut, located at 352 Mansfield Road Unit 2122, Storrs, Connecticut 06269-2122, believes that it is being damaged by Registration No. 3,404,739 (the "'739 Registration") of Registrant UCTV, LLC ("Respondent"), a corporation of the state of Delaware, having an address of record at 1419 Q Street NW, Washington D.C. 20005, and hereby petitions to cancel same.

The grounds for cancellation are as follows:

1. Petitioner is owner of a U.S. Trademark Application filed on June 28, 2011, for the trademark UCTV (Serial No. 85/358,141, the "'141 Application") for services in International Class 41, namely, "Entertainment services, namely, the provision of continuing programs and segments featuring news, comedy, commentary, talent search and variety shows, and reality based shows delivered by television and the internet; production of television programs".

2. Petitioner uses and has continuously used the CPTV Trademark in United States commerce, in connection with the services enumerated in its trademark application and associated goods, since at least as early as September 1, 1991.

3. Registration No. 3,404,739 issued on April 1, 2008, from an application filed on July 13, 2007, in which Respondent claimed to have first used the mark in interstate commerce in the in May, 2007. The mark is registered on the Principal Register in connection with services in class 41.

4. On September 30, 2011, the Examining Attorney to whom the '141 application has been assigned for processing issued a refusal to register in connection with that application, citing the '739 Registration as a bar to registration under Trademark Act Section 2(d).

5. On information and belief, there is no issue as to priority as between Petitioner and Respondent. Petitioner has continuously used the CPTV trademark since at least as early as September 1, 1991, over 15 years prior to both the date of first use claimed by Respondent and the July, 2001 filing date of Respondent's application.

6. If, as contended by the Examining Attorney, there is a likelihood of confusion between Petitioner's mark and that of the cited registration, then the cited registration should be cancelled.

7. On information and belief, Respondent did not make bona fide use of the subject trademark in U.S. commerce prior to the filing of its use-based application for the '739 Registration.

8. On information and belief, the CPTV mark of the '739 Registration has been abandoned by virtue of non-use in connection with the goods enumerated therein, thereby rendering the '739 Registration invalid, null and void.

9. The continued existence of the '739 Registration, despite Petitioner's priority in the mark CPTV and despite the alleged abandonment of the mark by Respondent, may impede Petitioner's legal right and ability to use, further expand its use, and to register its CPTV mark, and therefore is likely to be a source of injury to Petitioner.

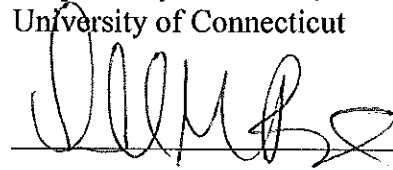
WHEREFORE Petitioner University of Connecticut prays that Registration no. 3,404,739 be cancelled, and that this Petition for Cancellation be sustained in Petitioner's favor.

The statutory fee of \$300 required under § 2.6(a)(16) for cancellation of a mark with respect to one class of goods has been paid herewith.

Date: _____

Feb 1, 2012

Respectfully Submitted,
University of Connecticut

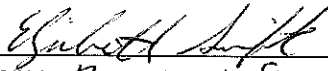


Denielle Burl, Esq.
University of Connecticut
233 Glenbrook Rd Unit 4121
Storrs, CT 06269-4121
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing PETITION TO CANCEL is being served by U.S. Mail, postage prepaid, on the 1st day of ~~January~~^{February}, 2012, to the Registrant at the following address of record:

UCTV, LLC
1419 Q. Street NW
Washington D.C. 20005


Name: Elizabeth Swift